

Box Seq  
Docket No.  
480.18-4 (HV)**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages in this Submission

177

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**GENE THERAPY BY SMALL FRAGMENT HOMOLOGOUS REPLACEMENT**

and invented by:

**GRUENERT, ET AL.**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/487,799

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/409,544

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 07/933,471

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 104 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☒ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☒ Formal      b. ☐ Informal      Number of Sheets 18
4. ☒ Oath or Declaration  
a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted  
b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☒ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☒ Paper Copy  
b. ☒ Computer Readable Copy  
c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449      ☒ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EL293604758US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: 3
17. ☒ Additional Enclosures (please identify below):

CHECK IN THE AMOUNT OF \$458.00

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	5	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	5	- 3 =	2	x \$39.00	\$78.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$380.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$458.00

- ☒ A check in the amount of \$458.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 16-1331 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: SEPTEMBER 9, 1999

*Howard M. Peters*

Signature

cc:

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
**480.18-1 (HV)**

In Re Application Of: **GRUENERT, ET AL.**

Serial No.  
**08/487,799**

Filing Date  
**JUNE 7, 1995**

Examiner  
**R. SCHWARTZMAN**

Group Art Unit  
**1632**

Title: **GENE THERAPY BY SMALL FRAGMENT HOMOLOGOUS REPLACEMENT**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

- 1. TRANSMITTAL LETTER;**
- 2. NOTIFICATION OF FILING OF CONTINUING OR DIVISIONAL APPLICATION; AND**
- 3. POSTCARD.**

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **16-1331** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.



*Signature*

Dated: **SEPTEMBER 9, 1999**

I certify that this document and fee is being deposited on  
**9-9-99** with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



*Signature of Person Mailing Correspondence*

**HOWARD M. PETERS**

*Typed or Printed Name of Person Mailing Correspondence*

cc:

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**


In re Application of	)	
DIETER C. GRUENERT, ET AL.	)	
Serial No.: 08/487,799	)	Group No. 1632
	)	Examiner:
	)	R. Schwartzman
Filed: June 7, 1995	)	
For: GENE THERAPY BY SMALL FRAGMENT	)	
<u>HOMOLOGOUS REPLACEMENT</u>	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

**NOTIFICATION OF FILING OF CONTINUING  
OR DIVISIONAL APPLICATION**

Notification is hereby being made of the filing of a:

- ☐ continuation  
☐ continuation-in-part  
☒ divisional  
application for this case  
☒ concurrently herewith.

  
Howard M. Peters  
(Reg. No. 29,202)

PETERS, VERNY, JONES & BIKŠA, LLP  
385 Sherman Avenue, Suite 6  
Palo Alto, CA 94306-1840  
Telephone: (650) 324-1677  
Facsimile: (650) 324-1678  
Atty. Dkt. No: 480.18-1 (HV)

**CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10**

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

[X] deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

**37 CFR 1.8(a)**

**37 CFR 1.10**

[ ] with sufficient postage as first class mail.

[X] as "Express Mail Post  
Office to Addressee"  
Mailing Label No.  
**EL293604758US**

  
Signature

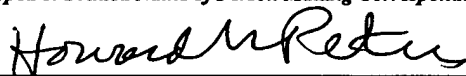
**Signature**

Date: SEPTEMBER 9, 1999

HOWARD M. PETERS  
(Reg. No. 29, 202)

(Reg. No. 29, 202)

PETERS, VERNY, JONES & BIKŠA, LLP  
385 Sherman Avenue, Suite 6  
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Attorney Docket No.: 480.18-1 (HV)

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>		<b>Docket No.</b>	
Applicant(s): <b>GRUENERT, ET AL.</b>		<b>480.18-4 (HV)</b>	
<b>Serial No.</b>	<b>Filing Date</b> <b>SEPTEMBER 9, 1999</b>	<b>Examiner</b>	<b>Group Art Unit</b>
Invention: <b>GENE THERAPY BY SMALL FRAGMENT HOMOLOGOUS REPLACEMENT</b>			
<p>I hereby certify that this <b><u>DIVISIONAL APPLICATION TRANSMITTAL</u></b> <i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231</p> <p>on <u>SEPTEMBER 9, 1999</u> <i>(Date)</i></p> <p><b>HOWARD M. PETERS</b> <i>(Typed or Printed Name of Person Mailing Correspondence)</i></p> <p> <i>(Signature of Person Mailing Correspondence)</i></p> <p><b>EL293604758US</b> <i>("Express Mail" Mailing Label Number)</i></p> <p><b>Note: Each paper must have its own certificate of mailing.</b></p>			

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09/09/99